## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JASMINE HUFFMAN, JUSTIN ACKERS, CAITLYN HALL, and BENJAMIN CHAMBERS- MAHER,	) ) )
Plaintiffs,	) C.A. 21-10986-ADB
v.	) )
CITY OF BOSTON, and MICHAEL BURKE, EDWARD JOSEPH NOLAN, and MICHAEL J. MCMANUS, in their individual capacities,	) ) )
Defendants.	) ) )

## MOTION TO AMEND THE COMPLAINT AS OF RIGHT

Plaintiffs moves this Court to amend the complaint pursuant to Fed. R. Civ. P. 15(a)(1) by substituting the attached First Amended Complaint for the complaint in this case. As grounds for this motion, Plaintiffs state the following.

- 1. Plaintiffs filed the original complaint in this case on June 14, 2021.
- 2. Plaintiffs served the complaint on three of the four defendants. Plaintiffs were granted an extension of time to serve the fourth defendant, Michael Burke, who is currently on active duty in the military outside of the United States.
  - 3. No defendants have filed a responsive pleading yet.
- 4. On August 11, 2021, counsel for Defendant City of Boston conferred with counsel for Plaintiffs regarding the City's intention to file a motion to dismiss. As a result of this conference, counsel for Plaintiff agreed to file an Amended Complaint containing additional facts to support Plaintiffs' *Monell* claim.

5. Plaintiffs are permitted to amend the complaint as a matter of course pursuant

to Fed. R. Civ. P. 15(a)(1)(b) because not all defendants have been served and no defendant

has yet answered. Plaintiffs seek leave to amend the complaint.

WHEREFORE, Plaintiffs move that this Court permit them to amend the complaint

by substituting the attached First Amended Complaint in place of the original Complaint in

this case.

RESPECTFULLY SUBMITTED,

For the Plaintiffs,

By their attorneys,

/s/ Howard Friedman

Howard Friedman, BBO #180080

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Dated: August 13, 2021

2

## **CERTIFICATE OF SERVICE**

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CM/ECF.

<u>/s/ Howard Friedman</u> Howard Friedman Date: 8/13/2021